

E. Patrick Ellisen, CA Bar No. 142033
ellisep@gtlaw.com
 Daniel T. McCloskey, CA Bar No. 191944
mccloskeyd@gtlaw.com
GREENBERG TRAURIG LLP
 1900 University Avenue 5th Floor
 East Palo Alto, CA 94303
 Telephone: (650) 328-8500
 Facsimile: (650) 328-8508

Brian A. Carpenter, *pro hac vice*
carpenterb@gtlaw.com
GREENBERG TRAURIG LLP
 1200 17th Street, Suite 2400
 Denver, CO 80202
 Telephone: (303) 572-6500
 Facsimile: (303) 572-6540

Attorneys for Plaintiff and Counterclaim-Defendant,
PROTECTIVE OPTICS, INC.

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

PROTECTIVE OPTICS, INC.,
 a California corporation

Plaintiff,

v.

PANOPTX INC.,
 a California corporation

Defendant.

Case No. C05-02732 CRB

**STIPULATION AND ~~PROPOSED~~ ORDER
 TO FURTHER EXTEND PARTIES'
 DEADLINES TO FILE BRIEFS FOR
 SUMMARY JUDGMENT MOTION AND
 SANCTIONS MOTION**

Courtroom: 8, 19th Floor
 Before: Hon. Charles R. Breyer

[Trial Date: August 6, 2007]

AND RELATED CROSS-ACTION

1 Plaintiff and Counterclaim-Defendant Protective Optics, Inc. and Defendant and
 2 Counterclaimant Panoptx, Inc. (collectively, the “Parties”), by and through their undersigned
 3 attorneys, state and agree as follows:

4 Whereas, under previous stipulated order, Protective’s Reply brief in support of its Motion for
 5 Partial Summary Judgment on Panoptx’s Seventh Affirmative Defense for Patent Invalidity Under 35
 6 U.S.C. §112 [Docket No. 163] (“Summary Judgment Motion”), set for hearing on June 15, 2007, is
 7 currently due to be filed not later than June 5, 2007;

8 Whereas, under previous stipulated order, Panoptx’s Opposition to Protective’s Motion for
 9 Sanctions Against Panoptx for Violations of this Court’s February 6 and March 30 Orders
 10 Compelling Discovery [Docket No. 168] (“Sanctions Motion”), set for hearing on June 22, 2007, is
 11 currently due to be filed not later than June 5, 2007, and Protective’s Reply brief is due to be filed not
 12 later than June 12, 2007;

13 Whereas, the Parties have reached a tentative settlement and will be before Judge Chen on
 14 June 6, 2007 to enter the settlement on the record;

15 Whereas, given the tentative settlement, the Parties agree that the due date for Protective’s
 16 Reply in support of its Summary Judgment Motion and for Panoptx’s Opposition to the Sanctions
 17 Motion should be extended to June 12, 2007, and that Protective’s Reply brief in support of its
 18 Sanctions Motion should be extended to June 19, 2007;

19 NOW THEREFORE, IT IS HEREBY STIPULATED by and between the Parties, subject to
 20 Court approval, as follows, that:

- 21 1. the due date for Protective’s Reply in support of its Summary Judgment
 22 Motion and for Panoptx’s Opposition to the Sanctions Motion should be
 23 extended to June 12, 2007, and that Protective’s Reply brief in support of its
 24 Sanctions Motion should be extended to June 19, 2007.

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1 DATED: June 5, 2007

GREENBERG TRAURIG, LLP

3 By: /s/ Daniel T. McCloskey
4 Daniel T. McCloskey

5 Attorneys for Plaintiff and Counterclaim-
6 Defendant,
7 **PROTECTIVE OPTICS, INC.**

8 DATED: June 5, 2007

KRIEG, KELLER, SLOAN, REILLEY & ROMAN, LLP

10 By: /s/
11 Michael D. Lisi

12 Attorneys for Defendant and Counterclaimant,
13 **PANOPTX, INC.**

14 I, Daniel T. McCloskey, am the ECF User whose ID and password are being used to file this
15 Stipulation and [Proposed] Order to Stipulation And [Proposed] Order To Further Extend Parties'
16 Deadlines To File Briefs For Summary Judgment Motion And Sanctions Motion. In compliance with
17 General Order 45, X.B., I hereby attest that Michael D. Lisi has concurred in this filing.

19 Dated: June 5, 2007

By: /s/ Daniel T. McCloskey
20 Daniel T. McCloskey

21 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

23 Dated: _____

HON. CHARLES R. BREYER
UNITED STATES DISTRICT JUDGE

